

November 25, 1997

Honorable Edward A. Hanna  
Mayor, City of Utica  
City Hall  
Utica, NY 13502

Dear Mayor Hanna:

I have reviewed your November 12, 1997 letter regarding the Bossert Inactive Hazardous Waste Site and the proposal to sell the property to the Pacemaker Miller Group for the construction of a distribution center. I understand the importance of a proposal such as this for fostering the economic recovery of the Utica area, and will work with the City as much as possible to meet this goal.

The Bossert Site is presently undergoing Phase 1 cleanup activities by the USEPA. The plan is to remove and dispose off-site approximately 3,500 cubic yards of PCB contaminated debris, provide asbestos abatement, decontaminate mechanical and hydraulic presses, and to partially demolish/shore the building structure. The USEPA's schedule is to complete this work by June of 1998.

The Department plans to conduct a Phase 2 groundwater remedial investigation to ascertain the impacts to groundwater and the need for groundwater remediation. It may be possible to allow a portion of the site to be developed as the Phase 2 work is being done. This depends upon how much of the site would be needed for development, and where on the site the development would occur. If these types of details could be provided by the proposed developer, we could review the development plan for compatibility with future remediation work at the site.

The following is a list of concerns that you and/or the developer need to be aware of as you explore the proposed use of the Bossert site.



1. There is a potential that soils underneath the Bossert building are contaminated with PCBs. These may need to be excavated/treated at some future date. If at all possible, proposed development plans should not utilize those areas of the Bossert site.

2. The Phase 2 groundwater study will require the installation of a number of groundwater monitoring wells. It is likely these wells can be placed to accommodate site development. If a future groundwater remediation action is necessary, some piping and a treatment building would have to be installed on the site.

3. As noted in the Consent Order for the Bossert Site (A6-0199-89-04), the State has a lien on the proceeds of the sale of the Bossert property. How was the purchase price of \$200,000 determined? Is it fair market value?

4. Neither the USEPA nor the State of New York has plans for the total demolition/removal of the Bossert buildings.

The November 7 letter from the Pacemaker Miller Group attached to your letter to me, requests a "clean bill of health" from the DEC and EPA. Please note that the Department would not consider the Pacemaker Miller Group to be a PRP, except for ownership. The State would not hold the new owner responsible for remediation costs attributable to past owners or PRPs.

I would be pleased to review any detailed plans you receive for the site development and am available to meet with you or the developer on this matter. If you have any questions, please feel free to call me at (518) 457-5677.

Sincerely,

P. David Smith  
Chief, Remedial Section C  
Division of Environmental Remediation

**cc w/attachment:**

**Jack Harmon - USEPA**

**Darrell Sweredoski - Region 6**

**bcc w/attachment:**

**Robert Edwards**

**Stephen Hammond**

**Anthony Quartararo**